

The Honorable Marc Barreca  
Chapter 13 Bankruptcy  
Hearing Date: June 21, 2018  
Hearing Time: 9:30 am  
Response Date: June 14, 2018  
Hearing Location:  
700 Stewart Street  
Courtroom 7106  
Seattle, WA 98101

**UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON**

In re: ) Case No. 18-10709  
)  
DANIEL AND CHRISTINA SUCIU, ) DEBTORS' RESPONSE TO MOTION FOR  
) RELIEF FROM STAY FILED BY  
Debtors. ) SAMADARSHI AND SINHA  
)  
\_\_\_\_\_)

**COME NOW** the Debtors, Daniel and Christina Suci, by and through their attorney, Jonathan Smith, and respond as follows to the Motion for Relief from Stay filed by Samadarshi and Sinha:

1. Creditor Samadarshi and Sinha ("Creditor") seeks relief from stay on two rental properties owned by the Debtors: 12604 9<sup>th</sup> Avenue South, Seattle, WA, and 21433 276<sup>th</sup> Avenue SE, Maple Valley, WA.
2. These two properties are necessary for an effective reorganization under Chapter 11 of the bankruptcy code. Originally Debtors purchased these properties with the goal of "flipping" them to earn profits. This is still the intent, and that would clearly benefit the estate. While that process is currently on hold due to the filing of this bankruptcy, the Debtors are working out adequate

DEBTORS' RESPONSE TO TRUSTEE'S MOTION  
TO DISMISS CASE- 1

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1 protection payments and an agreement with both of the secured creditors. Furthermore, there is  
2 equity in the properties. Retention of these properties is part of the reorganization plan that would  
3 benefit all creditors, not just this one.

4 3. The Debtors are within (120) days of the filing of this petition. They will intend to file their  
5 proposed Chapter 11 plan timely.

6 4. The judgement that the creditor obtained was obtained pursuant to a default motion filed by the  
7 creditor. Special counsel has been approved by this court and is in the process of preparing a  
8 motion to vacate this default judgment. Special counsel indicates that he expects to file the motion  
9 within approximately the next (10) days with proper notice filed.

10 5. Creditor asserts that relief from stay may be granted when the debtor does not have equity in the  
11 property, when the property is not necessary to an effective reorganization, and if the property is  
12 “burdensome” to the estate or of inconsequential value and benefit to the estate.

13 6. Here, Creditor asserts that one of the properties is valued at \$270,000 and is encumbered by debt or  
14 \$160,023.00 clearly showing equity of \$109,977.00 as it stands. The other property is also a flip and  
15 while there may be little equity as of today, the plan is to improve it so that it can be sold for a  
16 profit. Therefore, both properties in question have or will have equity. Given the equity in one, and  
17 the potential equity in the other, both properties are being held for the purpose of funding an  
18 effective reorganization. With adequate protection in agreements in place, steps will be taken to  
19 work on the properties as a part of the overall Plan or reorganization to be proposed to the creditors  
20 for approval.

21 7. Also, this motion is premature as the underlying judgment may not stand. If it does, the Plan will be  
22 re-evaluated to deal with the eventual outcome, but until then, these properties are necessary for an  
23 effective reorganization in this case. Adequate time needs to be provided to allow the Special  
24 Counsel to perform the work he was approved by the court to do on behalf of the estate.  
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1 8. Finally, it should be noted that Creditor provided insufficient notice of the hearing. The room cited  
2 in the Notice of Hearing (Docket #39) is 6301. In fact, that is the location of chambers, but not the  
3 courtroom where the motion is to be heard, which is court room 7106.  
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5 **RELIEF REQUESTED**  
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7 **BASED ON THE FOREGOING**, the Debtors respectfully assert that these properties are and  
8 remain necessary for a successful reorganization and request that the Court deny the Motion for Relief from  
9 Stay filed by Creditor Samadarshi and Sinha.  
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11 **DATED** this 14<sup>th</sup> day of June, 2018.  
12

13 /s/ Jonathan Smith  
14 **Jonathan Smith, WSBA #27372**  
15 **Attorney for Debtor**  
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